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Kristin Gousse  
Government Analyst, Division of Water Resource Management  
2600 Blair Stone Road, MS 2500  
Tallahassee, FL 32399-2400

Maurice Barker  
Biosolids Coordinator, Domestic Wastewater Section  
2600 Blair Stone Road, MS 3540  
Tallahassee, FL 32399-2400

Re: Biosolids Rulemaking, Chapter 62-640

Dear Ms. Gousse and Mr. Barker:

Staff at Indian River County has already sent in a number of comments in response to the proposed new Chapter 62-640, which covers the land application of biosolids. I am writing on behalf of the Board of County Commissioners of Indian River County with additional comments of a less technical nature dealing more with some of the policy aspects of the proposed rule.

The immediate first impression of the proposed rule is that it is more heavily weighted to preserve the waste producers' ability to dump biosolids on Florida lands than it is to protect our environment, particularly the waters of the state of Florida. This is of particular concern to the people of Indian River, who have seen one of its great environmental resources -- the Blue Cypress Lake located in the most rural area of our County -- suffer in recent years from too much phosphorus as literally tons of biosolids have been dumped in the area of the lake. This includes a reported 293,358.9 pounds of total phosphorus in 2017 alone.

Two things are clear from the start. First, based on scientific studies analyzing the land application of biosolids in areas with physical characteristics similar to the Blue Cypress Lake, surrounding waters will be polluted. Second, the dumping of tons of biosolids on fields, particularly with the known ratio of TN to TP, serves no valid agronomic purpose. More importantly, as a former citrus grower in Florida I know that I would never send, nor can I

1801 27<sup>th</sup> Street, Building A  
Vero Beach, FL 32960  
(772) 226-1490

imagine any other responsible farmer sending, any workers into any groves for a very long time after the dumping of tons of biosolids on the land. Based on the amounts of biosolids being dumped on fields in the area of Blue Cypress Lake, the time between the application of biosolids and the time when a responsible farmer would allow the reentry of workers would be so long that it would be impossible to grow and harvest a commercially viable crop.

Three specific points on the proposed rule:

1. **62-640.100(1)(h)** – The rule gives up to three years from its effective date to achieve compliance. Given that the effective date will very possibly be more than a year from now, this will mean that hundreds of thousands of additional biosolids will probably be dumped on fields that need essentially no phosphorus. This will lead to significant additional degradation of the waters of the state. The additional dumping of biosolids at rates similar to those at which they have been dumped over the past four years for an additional four years will most probably put Blue Cypress Lake in a crisis condition. The time to come into compliance with any new rules should be significantly shortened.
2. **62-6450.500 Nutrient Management Plan (NMP)** – If protection of Florida waters is a goal of the rule-making process, the goal will not be met with this rule. The rule is bad law in the sense that it is so loose and vague in certain areas that no two people will have the same understanding of what it means.

Worse for the environment is that the rule is heavily favored to allow the inappropriate application of biosolids, rather than to protect Florida waters. Two examples of this are, first, (5)(f) directs respondents to “Include a discussion of the risk associated with phosphorus accumulation and a proposed phosphorus drawdown strategy *if the soil phosphorus levels are increasing* on any application zones on the site.” (Emphasis added) If soil phosphorus levels are increasing on Florida lands that need very little if any phosphorus to begin with, the response should not be a “discussion”; if the health of the environment is of any concern, it should be to immediately stop applying more phosphorus.

Second, (8) states: “When considering the availability of nitrogen in biosolids, once the amount of plant available nitrogen to be supplied has been determined (i.e., the crop nitrogen demand has been adjusted to take other sources of nitrogen into account), *this amount may be multiplied by a factor of 1.5 (i. e. a 50 percent increase)* to determine the amount of nitrogen that may be supplied by biosolids.” (Emphasis added) If I understand this provision correctly, it will allow biosolids -- at a time when excess nitrogen and phosphorus are said to be one of the major cause of polluted waters in Florida -- to be applied at clearly excessive rates. This agronomically irresponsible allowance of 50 percent more nitrogen than the plant needs is particularly dangerous given the roughly 2.5TN:1TP in Class B biosolids, which before the 50 percent increase provides phosphorus five-to-ten times greater than crop needs.

This section should be changed to something much simpler and designed to both allow the application of biosolids, albeit at reduced levels, and to protect the environment.

Fortunately, there is a rule in Florida that seems to do both successfully. It is that the permit holders shall provide annual documentation that there has been no net loading of phosphorus by accounting for phosphorus applied to the site with the amount of phosphorus exported in production generated on the site. In short, no more phosphorus can be put down than the crop is actually using. This should be documented and supported with appropriate monitoring.

3. The rule should make clear that from this point forward the cost of remediation for any damage done to the waters of the State of Florida is paid for by the entities responsible for the pollution. This provision also will require appropriate monitoring so that those responsible for the damage can be properly identified.

The science is clear: the risk of negative phosphorus impacts on surface waters increases with higher levels of soil phosphorus, proximity of surface waters, and well-defined pathways for transporting soil phosphorus to surface waters. These conditions are all met at Blue Cypress Lake. Additionally, in the past years tons of biosolids have been dumped in the near vicinity of Blue Cypress. There is now a documented problem with phosphorus in the Blue Cypress Lake, just as science has said there would be. What we in Indian River County need is a rule that will clearly stop the dumping of biosolids in areas that will further pollute our waters.

To most of us in Indian River County, the present rule appears to be focused on insuring that management costs for municipalities is reduced and not that the waters of the State of Florida are protected. This is something that our citizens cannot accept. They may not understand the ins-and-outs of biosolids but they know that something stinks when they are being told to spend ten to fifteen thousand dollars apiece to move off their septic tanks (to County sewer) because of the crisis that their perhaps five pounds of phosphorus annually is causing in the Indian River Lagoon, when just to the west of them literally tons of phosphorus from South Florida have been dumped -- after being properly permitted by FDEP -- onto fields at the headwaters of the St. Johns River. All the while having been made aware that during this period of permitted dumping, the previously healthy waters of the Blue Cypress Lake have been significantly impaired.

Please change your focus and change the rule. Change your focus from reducing the costs for South Florida waste producers to protecting the environment of Florida and change the rule so that it protects the Blue Cypress Lake and similar waters in our great state.

If there is anything that I can do to help make a better rule, please let me know.

Sincerely,



Bob Solari  
Chairman, Indian River County Board of County Commissioners  
Commissioner, District 5  
[bsolari@ircgov.com](mailto:bsolari@ircgov.com)  
772-226-1438